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## CITY OF NEWTON, MASSACHUSETTS

### Newton Commission on Disability

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#### A G E N D A \*

Date: July 11, 2011

Time: 6: 30 p.m.

Place: Cafeteria

Setti D. Warren  
Mayor

Candace Havens  
Director  
Planning & Development

Kathleen Cahill  
Community Development  
Senior Planner

#### Members

Rob Caruso, Co-Chair  
Girard Plante, Co-Chair  
Jane Brown  
Lucie Chansky  
Jini Fairley  
Rosemary Larking  
John Lojek  
Barbara Lischinsky  
Susan Roberts

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142

[www.newtonma.gov](http://www.newtonma.gov)

1. **Minutes:** Consideration of the approval of the minutes from the June 13, 2011 meeting of the Mayor's Committee for People with Disabilities {6:30}
2. **CDBG Report:** Projects funded with CDBG Access funds {6:35}
3. **Discussion:** Alderman Danberg will explain the implementation of the new Snow Ordinance. Lucia Dolan, representing Newton Safe Sidewalks will also speak about the group's desire to work with the Commission on the Snow Ordinance {6:45}
4. **Discussion and Action Item:** Durant Kenrick Variance Application {7:15}
5. **Discussion and Action Item:** Alderman Rice requesting review of the design for a proposed ramp at Waban Library {7:35}
6. **Report:** Update on the final version of the accessibility assessment, *Ramping Up: Planning for a More Accessible Newton*, completed by Barbara Chandler (MBHP) {7:55}
7. **Report:** Members and public report on any issues of potential non-compliance in the City {8:20}
  - New England Mobile Book Fair; Newton District Court; Panera; HP Spaces – Pearl Street
8. **Other Business**

Next Meetings: August 8, September 12, October 8

\*Supplementary materials are available for public review in the Planning Department in the Basement of City Hall by the Tuesday before the meeting. For more information **contact Kathleen Cahill 617.796.1125.**

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, contact the Newton ADA Coordinator Kathleen Cahill at 617-796-1125 or [kcahill@newtonma.gov](mailto:kcahill@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.



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## CITY OF NEWTON, MASSACHUSETTS

### Mayor's Committee for People with Disabilities

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## MEETING MINUTES

### June 13, 2011

Setti D. Warren  
Mayor

Candace Havens  
Director  
Planning & Development

Kathleen Cahill  
Community Development  
Senior Planner

#### Members

Rob Caruso, Co-Chair  
Girard Plante, Co-Chair  
Jane Brown  
Lucie Chansky  
Jini Fairley  
Rosemary Larking  
John Lojek  
Barbara Lischinsky  
Susan Roberts

#### Members Present:

Jane Brown  
Rob Caruso, Co-Chair  
Lucie Chansky  
Jini Fairley  
John Lojek  
Girard Plante, Co-Chair  
Susan Roberts

#### Staff Present:

Kathleen Cahill, Community Development Senior Planner

#### Public:

Lucia Dolan  
Bev Droz  
Michael Lepie  
Heather Platt  
Shayla Shrestha

#### Regrets:

Rosemary Larking  
Barbara Lischinsky

R. Caruso called the meeting to order at 6:30 p.m.

- 1. Minutes:** Consideration of the approval of the minutes from the May 9, 2011 meeting of the Mayor's Committee for People with Disabilities.

K. Cahill relayed an amendment on behalf of B. Lischinsky who would like her name to be removed under the discussion pertaining to the Fair Housing Event. Instead she suggested that the discussion be summarized to state "the Mayor's Committee for People with Disabilities would like to encourage better dialogue with the Fair Housing Committee." Several members decided that the wording under this item should remain the same but instead of singling out one member it should read "Members of the Committee would like the Fair Housing

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Committee and the Mayor's Committee for People with Disabilities to have a better relationship."

L. Chansky made a motion to approve the minutes as amended and S. Roberts seconded the motion. The Commission voted 7-0-0 to approve the May 9<sup>th</sup> meeting minutes.

## **2. CDBG Report:** Projects funded with CDBG Access funds

The last time the Committee met K. Cahill was asked to research the reasoning behind the Traffic Council denial of a request to install a "no right turn on red" sign at the Washington Street and the Newton-Wellesley Hospital intersection. In order for a "no right turn on red" sign to be installed all of the following criteria need to be met: existence of a large pedestrian base, pedestrian crossing phase, poor visibility and driver confusion. The Traffic Council determined that all of these conditions were not met at this particular intersection and it therefore unlikely that a subsequent request will have a different result. The Commission on Disability (COD) decided that the APS should be installed and tested before an additional request for a "no right turn on red" sign is submitted.

## **3. Action Item:** Consideration of a recommendation to the Traffic Council for a Handicap Parking Space in front of 468 Watertown Street

L. Chansky made a motion to recommend that the request for handicap parking be approved. Members also recommended that the Traffic Council consider designating an HP space at the top of Barrieau Court instead of in front of Ms. Driscoll's residence so that she could access this space year round. Alternatively, the COD recommended that the Traffic Council consider options to "exempt" this space from the overnight parking ban issued by the City from November to April. J. Brown seconded the motion and the COD voted 7-0-0 to recommend that the request for a handicap parking space in front of 468 Watertown Street be approved by the Traffic Council.

## **4. Action Item:** Consideration of a recommendation to the Massachusetts Architectural Access Board to remove the condition associated with Variance 08-052 which requires a "Handicap drop-off location" on Hull Street.

K. Cahill summarized the situation regarding the proposed accessible spaces on Hull Street. In 2008 the Building Department applied for a variance to the Massachusetts Architectural Access Board for an accessible walkway from Hull Street to the entrance of Newton North High School. The variance was required because the grades prevented the original access point from Hull Street to Newton North from being made code compliant without creating a very long zig zag ramp. Instead, stairs were proposed for the original access point and a compliant walkway connecting Hull Street to Newton North was designed to be located on the other side of the tennis courts. The Building Department also planned to locate an accessible drop-off nearby the access walkway.

The accessible walkway was installed but the accessible parking spaces were never created. The Building Department is proposing to create signage identifying the accessible walkway; however, the Department does not believe an accessible drop-off area is needed. The COD is being asked to review the revised concept before it is sent to the Massachusetts Architectural Access Board.

J. Lojek believes the space nearest the accessible walkway should be demarcated accessible during the hours that Newton North is open (including night events). The COD requested to review the signage for the accessible drop-off space.

J. Lojek made a motion that the COD ask staff to inquire about the latest hour that the high school is allowed to be open and tell the Building Department staff to create signage and markings to ensure the space cannot be occupied during that timeframe. S. Roberts seconded the motion and the Board voted 7-0-0 to approve this request.

**5. Discussion:** 33 Boylston Street – Chestnut Hill Shopping Center Special Permit Application

This item was held until later in the evening.

**6. Discussion and Action Item:** Durant Kenrick Variance Application

The COD reviewed the variance application section-by-section. Members wondered why the proposed location of the video presentation of the second floor historic bedrooms (that are not accessible) was in one of the rooms that could only be reached by going through a 30" doorway. The COD requested that K. Cahill try to get someone from AnnBeha Architects or the Newton History Museum to attend the July meeting in order to provide an answer to this question.

**5. Discussion:** 33 Boylston Street – Chestnut Hill Shopping Center Special Permit Application

WS Development will be going before the Land Use Committee for special permits and site plan approval next week and has come before the Commission for feedback on the accessible elements of the proposed plan. The existing one-story building, in the Chestnut Hill Shopping Center, which houses City Sports and CitiBank will be demolished and replaced with a three story building. The new building will house retail and a restaurant on the first floor. WS Development will occupy the third floor and the second floor space will be dependent on the tenant. A schematic of the new building was presented and described to the Commission.

Overall the COD was pleased with the design. Members did express the need for additional accessible parking spaces; these spaces should be sprinkled over the site. Concern was also expressed over the pervious pavers that will be installed in between the buildings. The COD requested that WS Development confirm that these will be accessible. Members recommended that WS Development secure an accessibility consultant to review the proposed plan in order to ensure that it meets all applicable accessible codes. The COD also requested that WS Development return to present the final plan addressing all the accessibility issues.

**7. Action Item:** Vote on formal title for the Commission and consideration of recommendation to the Board of Alderman to accept a donation to the Commission.

L. Chansky made a motion to formally adopt the title Newton Commission on Disability. J. Brown seconded the motion and the Commission voted 6-1-0 to approve the title Newton Commission on Disability.

The donation portion of this item was tabled until further information was obtained.

**8. Report:** Members and public report on any issues of potential non-compliance in the City which are then forwarded to the Inspectional Services Department

- New England Mobile Book Fair; Newton District Court; Panera; HP Spaces – Pearl Street; City Hall automatic door opener and accessible entrance signage at Homer Street

J. Lojek indicated that a letter was sent from the Law Department to the New England Mobile Book Fair citing safety and access violations as well as providing a deadline for addressing these non-compliant issues. If action is not taken by the New England Mobile Book Fair by the deadline stated in the letter the City will be taking the next step of filing a grievance against the business. J. Lojek believes that Panera was cited for the entrance of their Newton Centre store because it does not meet the dimensional requirement.

J. Lojek will be contacting the Building Department concerning the automatic door opener at the Homer Street entrance, which is not working properly (as noticed this evening by several COD members). He will also be speaking with the Building Department about re-routing the downspout or installing melting coils in the sidewalk outside the accessible entrance on Homer Street.

R. Caruso noted that there is no accessible seating on the first floor of the Court House on Washington Street. K. Cahill will make a call to see if this issue can be resolved before a formal complaint is made with the State.

A resident requested that one of the accessible spaces in the municipal lot on Pearl Street be relocated to the opposite corner in order to provide easier access to the restaurants and businesses on Galen Street. S. Roberts offered to drive-by this parking lot and provide feedback concerning this potential relocation at the August meeting.

The meeting adjourned at 9:10 p.m.

**Newton Commission on Disability  
CDBG Access Projects Report  
July 11, 2011**

**Accessible Pedestrian Signals** (Project CD10-03D. Expended, \$0; Budget balance: \$22,420). Centre St. and Centre Ave. is a priority intersection; however it is on-hold pending a final decision by the Newton Corner Advisory Committee (NCAC). The COD has the option to pursue these improvements independent of the NCAC. Installation of APS improvements at Washington St. and Commonwealth Ave. has been completed. This month Dagle Electrical Construction replaced Republic ITS as the City's vendor for APS installation. A revised quote for the installation of APS on Washington Street by Newton-Wellesley Hospital needs to be obtained before a substantial amendment for the additional funds can be recommended to the Planning and Development Board.

**Charlesbank Playground** (Project CD0903C. Expended, \$22,872; Budget balance: \$7,125). Phase I includes new play equipment and swings on top of rubberized safety surfacing, a new accessible entrance ramp, accessible benches and picnic tables, and planting of new trees and shrubs. The project is 95% complete – all walkways, new sidewalks and the ramp have been installed as well as the play equipment and the rubberized safety surfacing. The area needs to be seeded this summer.

**Cold Spring Park** (Project CD1003A. Expended \$24,470; Budget balance: \$11,530). Project complete with the exception of HP striping and signage. It is recommended that the COD consider implementing Phase II of Cold Spring Park master plan with the remaining funds.

**Curb Cuts** (Project CD1003C, Expended: \$51,960 Budget balance: \$110,870; CD1103G, Budget Balance \$78,000). Work at Lowell @ Washington is scheduled for July 2011. Design work for Walnut @ Lowell and Commonwealth @ Washington in process. Budget breakdown:

<i>Projects</i>		<i>Funds</i>
Lowell @ Washington:	\$142,000	FY10: \$110,870
Walnut @ Lowell:	\$20,000	FY11: \$78,000
<u>Commonwealth @ Washington:</u>	<u>\$60,000</u>	<u>FY12: \$35,460</u>
	\$222,000	\$224,330

**Nahanton Accessible Pathway and Handicap Parking Space** (CDR09-03, Expended: 15,051; Budget balance: \$7,783)

Project includes retrofitting park for handicap accessibility through the construction of an accessible pathway and the addition of a van accessible parking space. Construction began mid-September. Accessible pathway complete, HP space installed (no striping), work on water mitigation complete. Awaiting final bill from contractor.

**Newton Community Service Center – Auditorium Ramp** (CD11-03E, Budget balance: 5,000). Construction of an accessible ramp in the auditorium of the organization's Waltham Street location. Contract awaiting Mayoral approval.

**Historic Newton/The Jackson Homestead – Archives Preservation and Access** (CD1103F, Budget balance \$40,000). Construction of an accessible ramp into the entrance of the Jackson Homestead. Design work being finalized.

**Retrofitting Curb Cuts** (Project CD0903E, Budget balance, \$6,000). A total of 7 locations (Homer Street, Beacon St. @ Dalton, Centre Green @ Langley, 1188 Centre Green, 82 Lincoln Street, 100 Walnut Street, 28 Commonwealth St) (19 curb cuts) were fitted with tactile warnings. Cabot Street and Sargent Street intersection added at 4/11 meeting – to be completed Summer 2011. Awaiting Memorandum of Agreement from DPW.

	<p align="center"> <b>The Commonwealth of Massachusetts</b>  <b>Department of Public Safety</b>  <b>Architectural Access Board</b>          One Ashburton Place, Room 1310          Boston Massachusetts 02108-1618          Phone: 617-727-0660          Fax: 617-727-0665  <a href="http://www.mass.gov/dps">www.mass.gov/dps</a> </p>	<p>Docket Number _____</p> <p>(Office Use Only)</p>
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### **APPLICATION FOR VARIANCE**

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

**PLEASE ENCLOSE:**

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans and photographs) must be submitted via one compact disc.
- 2) If you are a tenant seeking variance(s), a letter from the owner of the building authorizing you to apply on his or her behalf is required.
- 3) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.

1. State the name and address of the owner of the building/facility:

Cynthia Stone, Director

Newton Historical Society, Inc.,

527 Washington Street, Newton, MA 02458

E-mail: cstone@newtonma.gov

Telephone: 617.796.1450



2. State the name and address of the building/facility:

Durant-Kenrick Homestead  
286 Waverley Avenue  
Newton, Massachusetts 02458

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

The Durant-Kenrick House was built in 1732 and has served as a house museum since 1974. The house has two floors and an attic and a basement which are not open to the public. An ell at the back of the house is to be replaced by an accessible entry.

4. Total square footage of the building: 4,164 Per floor: 1,750 approx.  
a. total square footage of tenant space (if applicable): \_\_\_\_\_

5. Check the work performed or to be performed:

☐ New Construction ☒ Addition  
☒ Reconstruction/Remodeling/Alteration ☐ Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

The main structure, the Durant House, is to undergo substantial exterior restoration. The interior is to be preserved. Interior alterations will be limited to the removal of a 1970's era bathroom and the careful integration of new heating, air-conditioning and electrical systems as well as widening of doorways to provide an accessible route to key program areas. A primary goal of our client, since the inception of this project, has been to improve public accessibility to the house and site. A 1,800 square foot addition as well as substantial site improvements are planned to provide parking and an accessible entry and accessible visitor amenities such as reception, toilets, classroom and outdoor activity terrace.

The historic interior will continue to serve as a House Museum with supervised visitation. We are proposing to adapt a detail developed for the Hancock-Clarke House in Lexington, MA to widen currently narrow doorways to provide wheelchair access to first and second floor rooms. An elevator, to be installed in the addition, will provide access to offices, research library and a family resource room on the second floor. A secondary change in level between front and rear portions of the existing second floor (24 inches difference) as well as very narrow doorways makes access to two front bedrooms unfeasible. We are proposing to provide a camera system and video presentation as an alternative to physical access to these rooms.

The plans have received the approval of the Land Use Committee of the Newton Board of Alderman and preliminary approval from the Newton Historical Commission, which is administering a Preservation Restriction on the property on behalf of the MHC.

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:

7a. Check appropriate regulations:

\_\_\_\_\_ 1996 Regulations \_\_\_\_\_ 2002 Regulations   X   2006 Regulations

SECTION NUMBER	LOCATION OR DESCRIPTION
521 CMR Section 25.2	Entrance Approach
521 CMR Section 26.6	Entrance - Maneuvering Clearance
521 CMR Section 26.10	Entrance - Thresholds
521 CMR Section 26.11	Entrance - Door hardware
521 CMR Section 28.1	DoGeneral Elevator Requirements
521 CMR Section 26.5:	Doors - Width
521 CMR Section 26.6	Doors - Maneuvering Clearance
521 CMR Section 26.11	Doors - Hardware
521 CMR Section 27.2	Stair Treads and Risers
521 CMR Section 27.3	Stairs Treads and Nosings
521 CMR Section 27.4.1	Handrails Location
521 CMR Section 27.4.2	Handrails Height
521 CMR Section 27.4.3	Handrails Extensions
521 CMR Section 27.4.4	Handrails Size
521 CMR Section 27.4.5:	Handrails Shape

8. Is the building historically significant?   x   yes \_\_\_\_\_ no. If no, go to number 9.

8a. If yes, check one of the following and indicate date of listing:

\_\_\_\_\_ National Historic Landmark  
  X   Listed individually on the National Register of Historic Places  
\_\_\_\_\_ Located in registered historic district  
\_\_\_\_\_ Listed in the State Register of Historic Places  
\_\_\_\_\_ Eligible for listing

8b. If you checked any of the above **and** your variance request is based upon the historical significance of the building, you *must* provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

The Newton Historic Society is administering a preservation restriction on behalf of the Massachusetts Historic Commission. A Project Notification Form was submitted to the MHC on February 3, 2011 (received Feb 4, 2011). See September 2010 approval letter from the NHC attached.

9. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

**See attached supplement.**

10. Has a building permit been applied for? No.  
Has a building permit been issued? \_\_\_\_\_  
10a. If a building permit has been issued, what date was it issued? \_\_\_\_\_  
10b. If work has been completed, state the date the building permit was issued for said work: \_\_\_\_\_
11. State the estimated cost of construction as stated on the above building permit:  
\_\_\_\_\_  
11a. If a building permit has not been issued, state the anticipated construction cost:  
\$1.8M
12. Have any other building permits been issued within the past 36 months? No.  
12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit: \_\_\_\_\_
13. Has a certificate of occupancy been issued for the facility? No.  
If yes, state the date: \_\_\_\_\_
14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? \_\_\_\_\_ yes    x no
15. State the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located: \$242,600  
Is the assessment at 100%? Yes.  
If not, what is the town's current assessment ratio? \_\_\_\_\_

16. State the phase of design or construction of the facility as of the date of this application:  
Start of Construction Documents.

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:  
Scott Aquilina, AIA, Senior Associate  
Ann Beha Architects  
33 Kingston Street  
Boston MA 02111  
E-mail: sa@annbeha.com  
Telephone: 617-226-1655

18. State the name and address of the building inspector responsible for overseeing this project:

John Lojek, Commissioner, Inspectional Services, City of Newton

E-mail: jlojek@newtonma.gov

Telephone: 617.796.1060

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of owner or authorized agent

**PLEASE PRINT:**

**Scott Aquilina AIA**

Name

Ann Beha Architects

33 Kingston Street

Address

Boston

City/Town

MA

State

02111

Zip Code

sa@annbeha.com

E-mail

617-226-1655

Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION  
SERVICE NOTICE**

I, Scott Aquilina AIA, as Architect

for the Petitioner Newton Historical Society, Inc., 527 Washington Street, Newton, MA submit a variance application filed with the Massachusetts Architectural Access Board on April 25, 2011.

**HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:**

<b><u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u></b>		<b><u>METHOD OF SERVICE</u></b>	<b><u>DATE OF SERVICE</u></b>
<b>1</b>	John Lojek, Commissioner	<b>USPS Certified Mail</b>	<b>4/25/2011</b>
	Department of Inspectional Services City of Newton 1000 Commonwealth Ave, Newton 02459		
<b>2</b>	Bill Henning, Executive Director	<b>USPS Certified Mail</b>	<b>4/25/2011</b>
	Boston Center for Independent Living 60 Temple Place Boston, MA 02111		
<b>3</b>	Kathleen Cahill, ADA Coordinator	<b>USPS Certified Mail</b>	<b>4/25/2011</b>
	Planning and Development Department City of Newton 1000 Commonwealth Ave, Newton 02459		

**AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.**

\_\_\_\_\_  
**Signature: Appellant or Petitioner**

On the \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_\_  
**PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED**

\_\_\_\_\_  
**(Type or Print the Name of the Appellant)**

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**MY COMMISSION EXPIRES**



# MAAB Variance Request

April 21, 2011

Massachusetts Architectural Access Board

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## Durant-Kenrick Homestead

286 Waverley Avenue

Newton, Massachusetts 02458

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### Submitted to:

Massachusetts Department of Public Safety  
Architectural Access Board  
1 Ashburton Place, Rm 1310  
Boston, MA 02108-1618

### Owner:

#### **Newton Historical Society, Inc.**

Jackson Homestead  
527 Washington Street  
Newton, MA 02458  
617.796.1450

### Prepared by:

#### **Ann Beha Architects**

33 Kingston Street  
Boston, MA 02111  
Scott Aquilina, Project Manager  
617.226.1655

#### **The Sullivan Code Group**

The Schrafft Center  
529 Main Street, Suite 203  
Boston, MA 02129-1107  
617.377.9326



# Introduction and Overview

The Newton Historical Society is planning to acquire the Durant-Kenrick Homestead at 286 Waverly Avenue, Newton, Massachusetts. The property was listed on the National Register for Historic Places in 1976 and has served as a House Museum since 1985. The main structure, the Durant-Kenrick House, was built in 1732 and is to undergo substantial exterior restoration. A 1,620 square foot addition as well as substantial site improvements are planned to provide an accessible entry and visitor amenities such as reception, toilets and a classroom. The interior of the Durant-Kenrick House is to be preserved. Alterations will be limited to the removal of a 1980's era bathroom, structural upgrades, the careful integration of new heating, air-conditioning, electrical and lighting systems as well as modifications to improve access. The historic house will serve as a House Museum. More intensive program occupancy will occur in the offices, reception area and classroom of the addition. The plans have received conceptual approval from both the Land Use Committee of the Newton Board of Aldermen and the Newton Historical Commission.

A primary goal of our client, since the inception of this project, has been to improve public accessibility to the house and site. All major program areas are intended to be accessible. One way this is possible is through an elevator to be installed in the addition which will provide access to the majority of the second floor of the Historic House. Proposed site improvements, a new accessible entry, and modifications to the existing second floor constitute a very significant contribution to improving accessibility. However, given the nature of historic interior elements potential non-conforming existing elements are anticipated to remain:

- Non-conforming 18th Century doors
- Non-conforming 18th -19th Century hardware
- Non-conforming 18th Century stair nosings and railings

Existing doors range from 24" to 32" wide. The narrowest door in an intended accessible route will be 30" wide. While we realize that these existing doorways will not provide the 32" clear pathway required by 521 CMR, we respectfully propose that, because they are historic doors, they be allowed to remain. Visitors to the house will be accompanied by or have access to museum staff at all times, and wheelchair users will be



HABS, 1935, Exterior View



HABS, 1935, Interior View



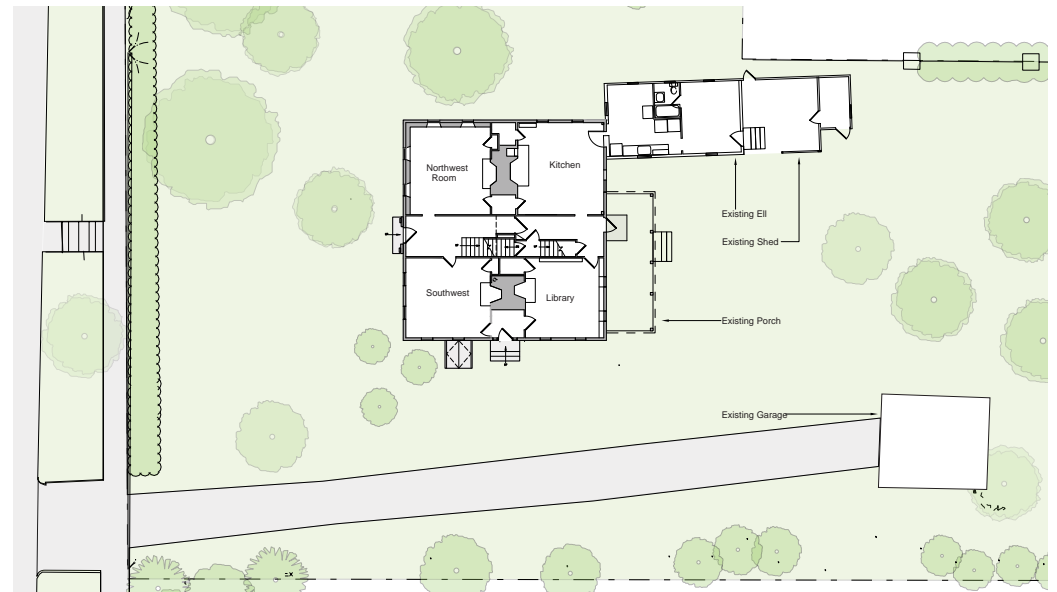
HABS, 1935, Interior View

assisted, if needed, in passing through these doorways. We propose acceptance for non-conforming hardware and stair elements on the same grounds.

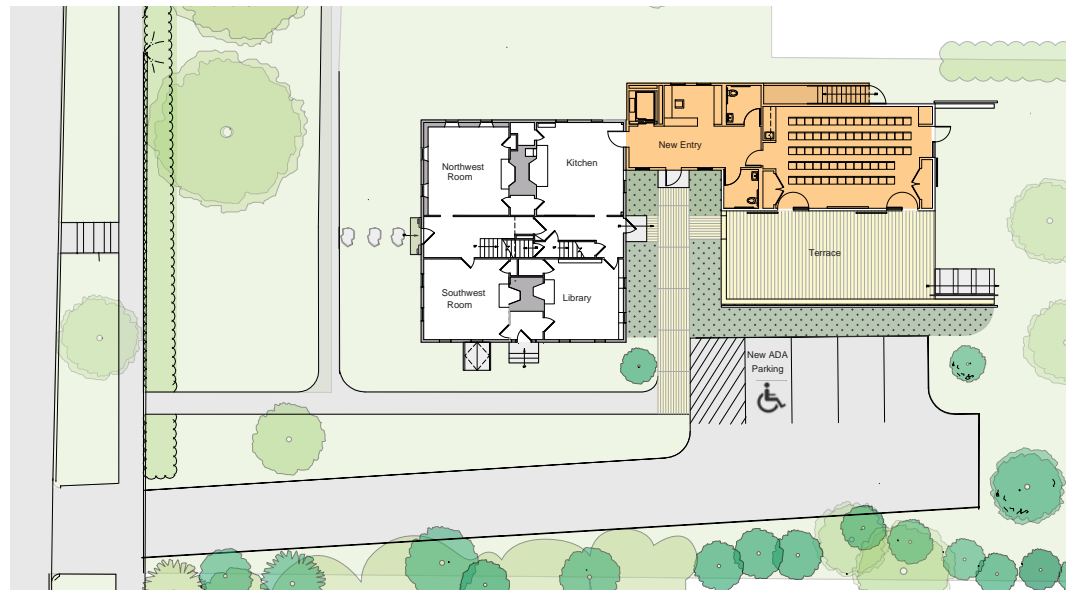
Due to the age and original design of the building, there are a handful of other building features where full compliance with the accessibility code is not feasible such as stairs and entrances. The design team has determined that the work required for full compliance in these areas is either technologically unfeasible or results in excessive and unreasonable costs without any substantial benefit to persons with disabilities. We respectfully seek the board's approval for variances from the following provisions of 521 CMR:

- 521 CMR 20.1 Accessible Route
- 521 CMR 25.2 Entrances
- 521 CMR 26.5 Doorway Width
- 521 CMR 26.6.4 Door Maneuvering Clearance
- 521 CMR 27.2 Treads and Risers
- 521 CMR 27.3 Stair Maneuvering Clearance
- 521 CMR 27.4.1 Handrail Location
- 521 CMR 27.4.2 Handrail Height
- 521 CMR 27.4.3 Handrail Extensions
- 521 CMR 28.1 Elevator Requirements

Details of these variance requests are illustrated in this report.



Existing site plan



Proposed site plan

Orange - New Addition



## Existing Conditions: Exterior



East Elevation of the Durant-Kenrick house



Northwest Corner of the Durant-Kenrick House



Southeast Corner of the Durant-Kenrick House



## Existing Conditions: Interior



Second Floor Bedroom



Historic Dining Room



Second Floor Stair



First Floor Southwest Room



Historic Dining Room

# Variance Request 1: Entrances

521 CMR Section 25.2: Entrance Approach  
521 CMR Section 26.6: Maneuvering Clearance  
521 CMR Section 26.10: Thresholds  
521 CMR Section 26.11: Door hardware

512 CMR Section 25.1 requires that all public entrances of a building or tenancy in a building shall be accessible and the approach to these entrances shall be a paved walk or ramp with a slip resistant surface, uninterrupted by steps.

The Durant Kenrick House currently has three entrances, none of which are accessible, and the approach to these entrances is not even or paved. The design team proposes to construct a new, fully accessible entry close to the accessible parking and dropoff which entry will become the primary means of access.

The existing east, south, and west entrances to the existing 1732 structure will remain. Approaches to these doors are not accessible, and their landings, push/pull clearances, and hardware are non-compliant. Because of their historical significance, the design team proposes to restore these doors in their existing configuration. Providing ramped access would have a deleterious effect on the historic landscape surrounding the building. Additionally, these entrances will be used only by employees and during emergency egress situations. All visitors and staff will primarily enter through the new, fully accessible entrance.

At the three existing entrances we respectfully seek a variance to 521 CMR 25.1, 26.6, 26.10, and 26.11 at these locations.



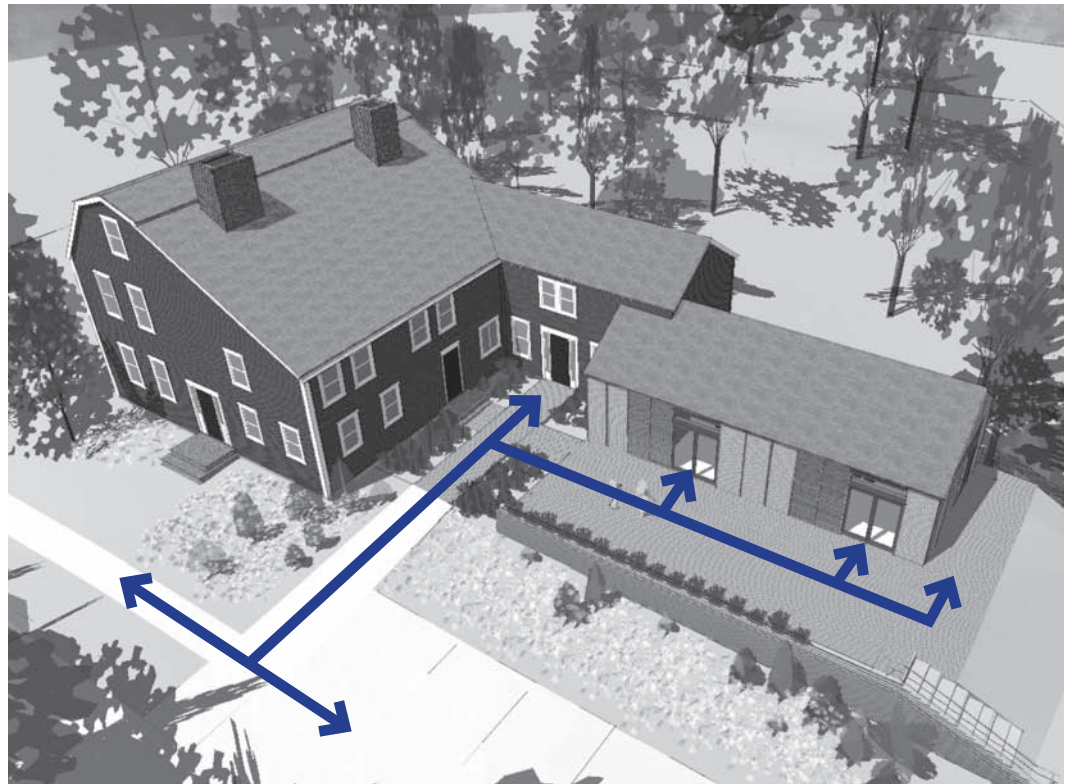
Existing 18th century west entrance



Existing 19th century south entrance.



Existing east entry

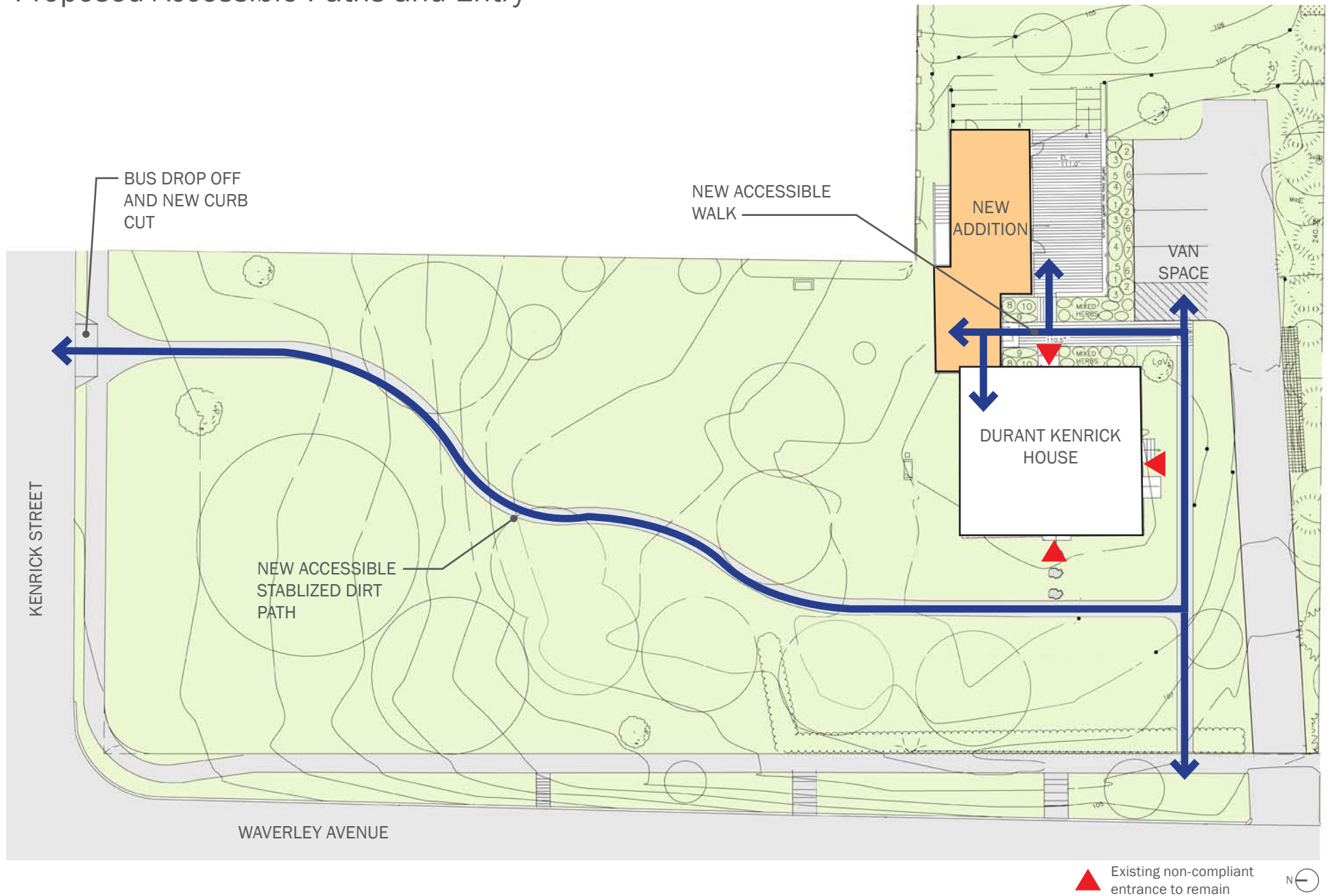


Aerial of the New Addition from the Parking Lot



# Variance Request 1: Entrances

## Proposed Accessible Paths and Entry



## Variance Request 2: Elevator

### 521 CMR Section 28.1: General Elevator Requirements

512 CMR Section 28.1 requires that all levels of multi-story buildings be served by a passenger elevator. The Durant Kenrick house has two primary levels, as well as an attic and basement which are not open to the public. The proposed design includes a new LULA elevator in the addition which will serve the basement, first and second floors. However, the west portion of the second floor is elevated 24" above the eastern portion of the floor, which is served by the passenger elevator.

The design team studied options for integrating a wheelchair lift to provide access to the upper portion of the second floor, however it requires significant modification of the historic fabric of the building. We feel that the cost of the lift and effect on the historical character of the building outweigh the benefit to users with limited mobility. The design team respectfully seeks relief from 521 CMR 28.1.

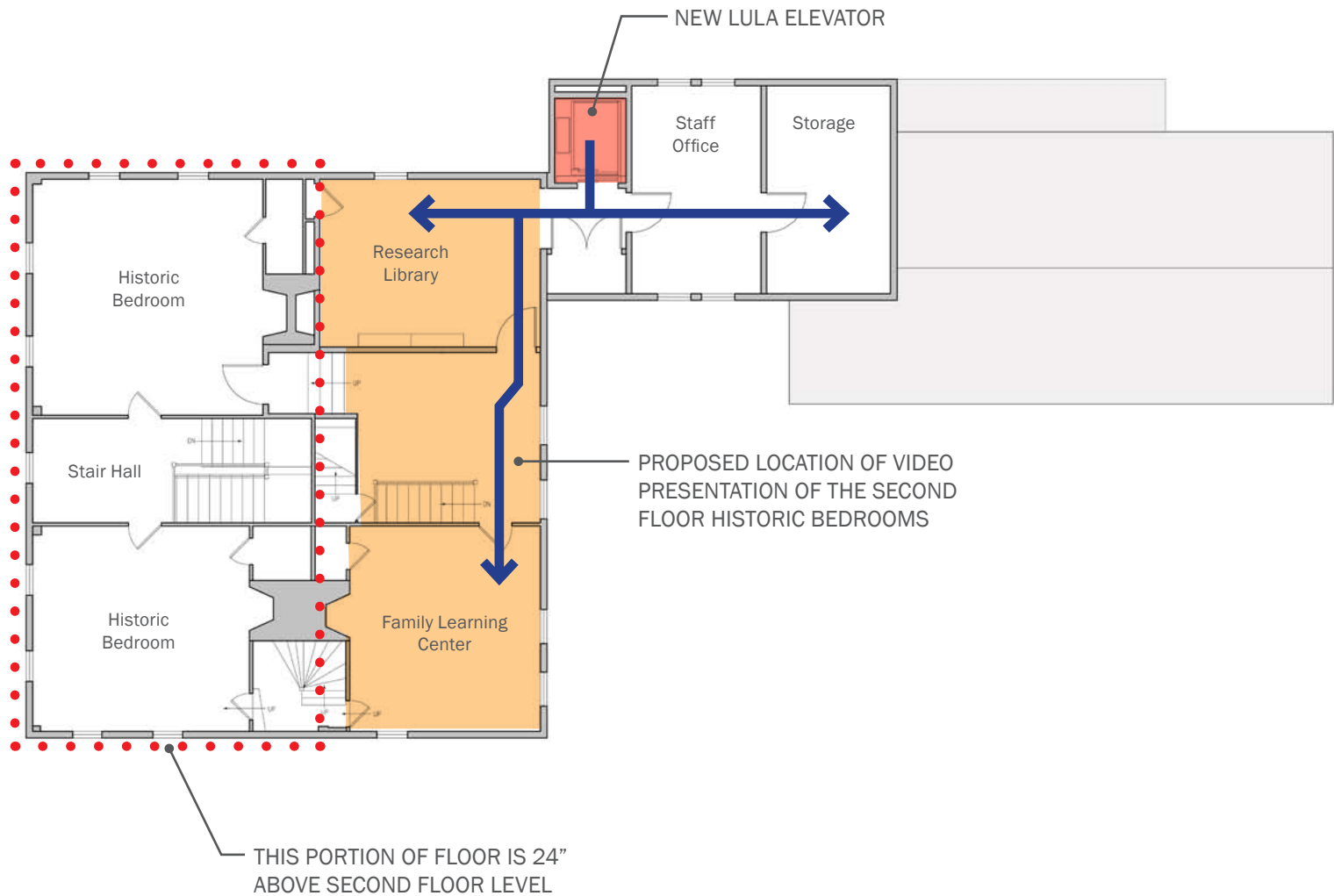
In lieu of providing wheelchair access to the upper portion of the second floor, the design team proposes to provide video and still images of the two inaccessible bedrooms. These would be available in one of the three accessible rooms on the eastern half of the second floor.



Existing stair from east portion of second floor up to the elevated west portion.

# Variance Request 2: Elevator

## Second Floor



- New LULA Elevator
- Proposed photo/video location
- Accessible Route

## Variance Request 3: Doors

521 CMR Section 26.5: Width

521 CMR Section 26.6: Maneuvering Clearance

521 CMR Section 26.11: Hardware

Many historical doors are still in place in the Durant Kenrick House. The typical historic doors have a clear opening of 28", with some as narrow as 24". The Newton Historic Society would like to maintain as many of the existing doors and frames as possible. In order to meet this goal and provide an accessible route throughout the building, the design team proposes to modify several existing doors and frames as well as replace some doors in select locations. The following plans indicate the proposed accessible route and locations of the modified or replaced doors. At each modified door the historical hardware, which is non-compliant, would remain in place. Because all visitors would be supervised, assistance will always be available.

Because the majority of the spaces in the building are accessible, the design team also proposes to leave a select number of doors in place. Modifying these doors would incur additional costs and have a detrimental effect to the historical character of the building, while not providing significant additional benefits to users with limited mobility. The design team respectfully seeks a variance to 521 CMR 26.5, 26.6 and 26.11.

In the proposed addition, typical doors will be 36" in width, provide the minimum required clear opening of 32", and will be fully accessible.



Non-compliant Existing Door

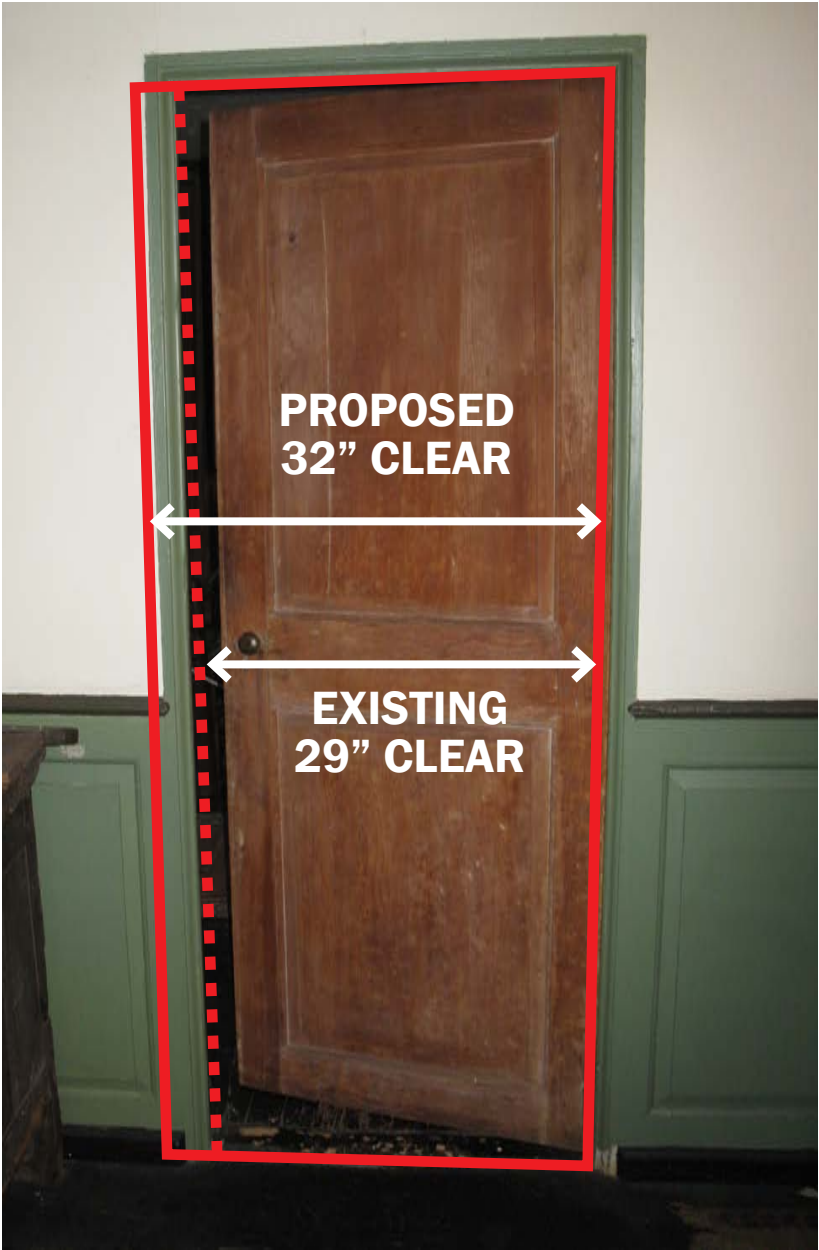


Front Door, assumed date 1732

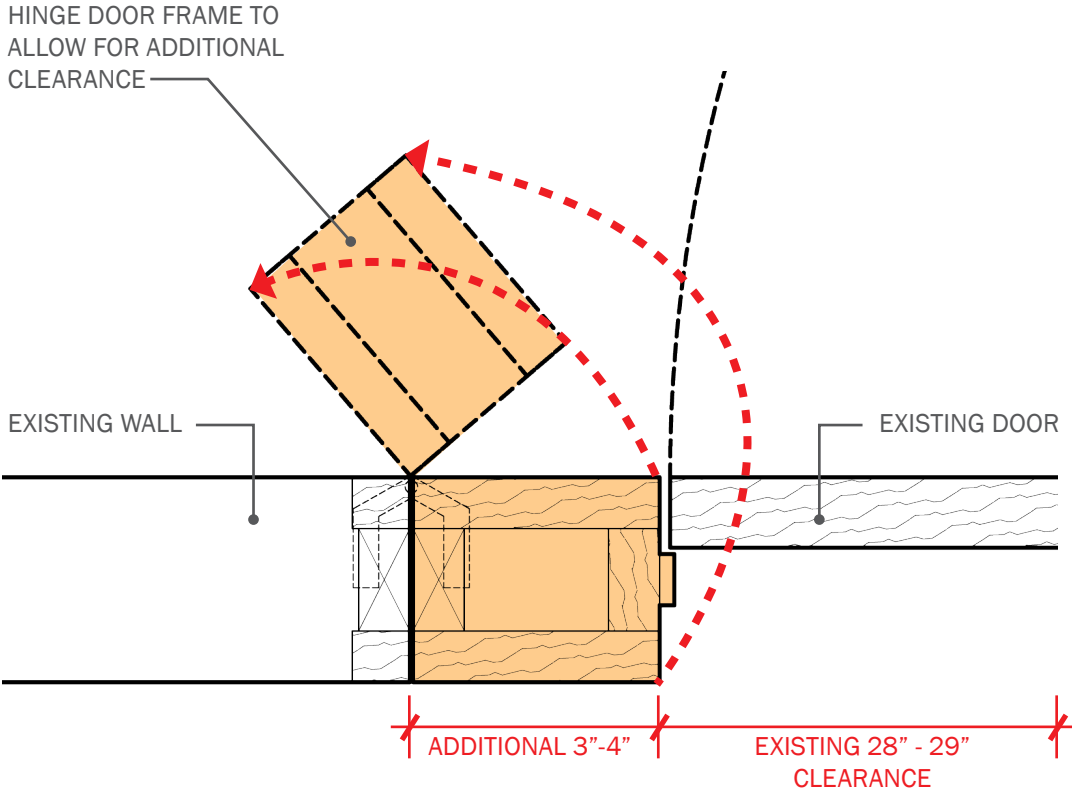


Non-compliant Existing Doors, approximately 24" wide

Variance Request 3: Doors



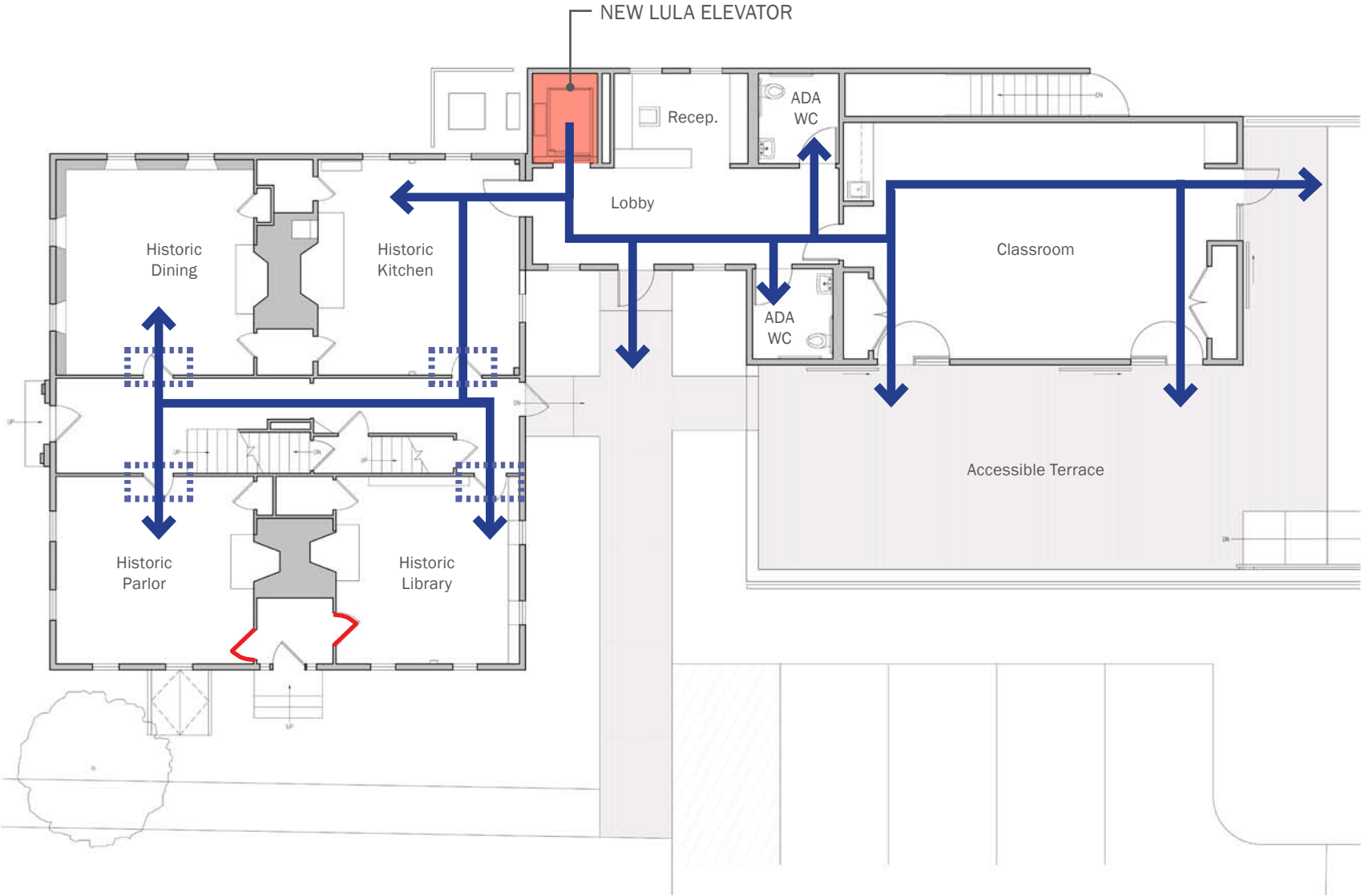
Adapting door detail to provide access



Typical Modified Door Jamb Detail



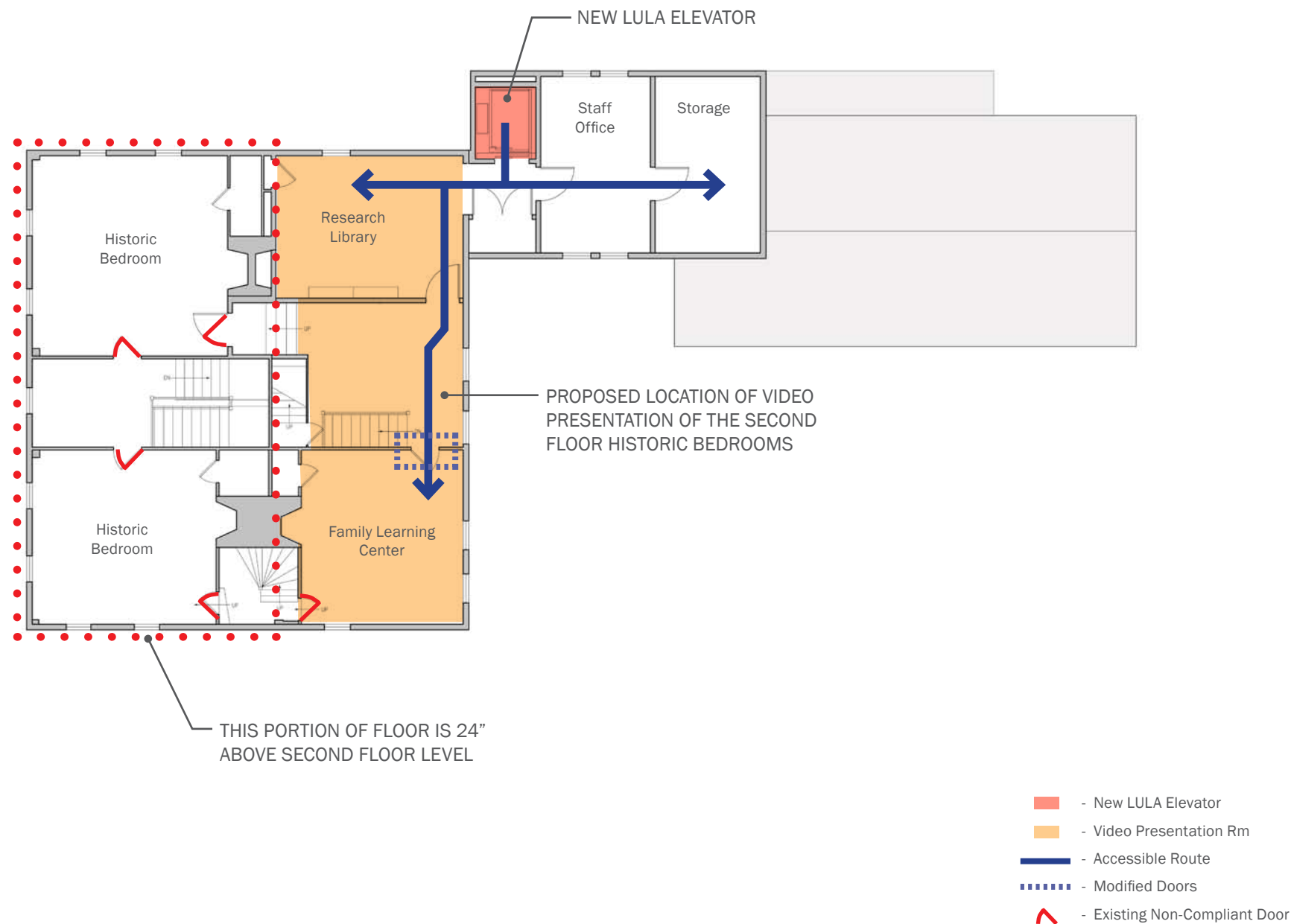
**Variance Request 3: Doors**  
Proposed Accessible Route - First Floor



**First Floor**

# Variance Request 3: Doors

## Proposed Accessible Route - Second Floor



## Variance Request 4: Stairs Treads and Nosings

521 CMR Section 27.2: Treads and Risers

521 CMR Section 27.3: Nosings

512 CMR Section 27.2 requires that on any given flight of stairs, all steps shall have uniform riser heights and uniform tread widths.

The Durant Kenrick House has two primary floor levels and a basement and attic that are not accessible to the public. These levels are currently accessed by existing wood stairs that are original to the building. At all locations, the treads and risers of these stairs are not in compliance with 521 CMR 27.2 and 27.3. The Newton Historical Society and the design team would like to maintain as much of the historic fabric of the building as possible and are proposing a LULA elevator to serve the basement, first and second floors, in lieu of modifying these stairs.

Although the nosings do not extend more than 1 1/2 inches, and are not abrupt, the underside of the nosing is less than 60 degrees from the horizontal. The photograph on the right illustrates the existing nosing configuration. It is the design team's opinion that although the existing nosings do not comply with 521 CMR, these conditions do not pose a significant barrier to accessibility.

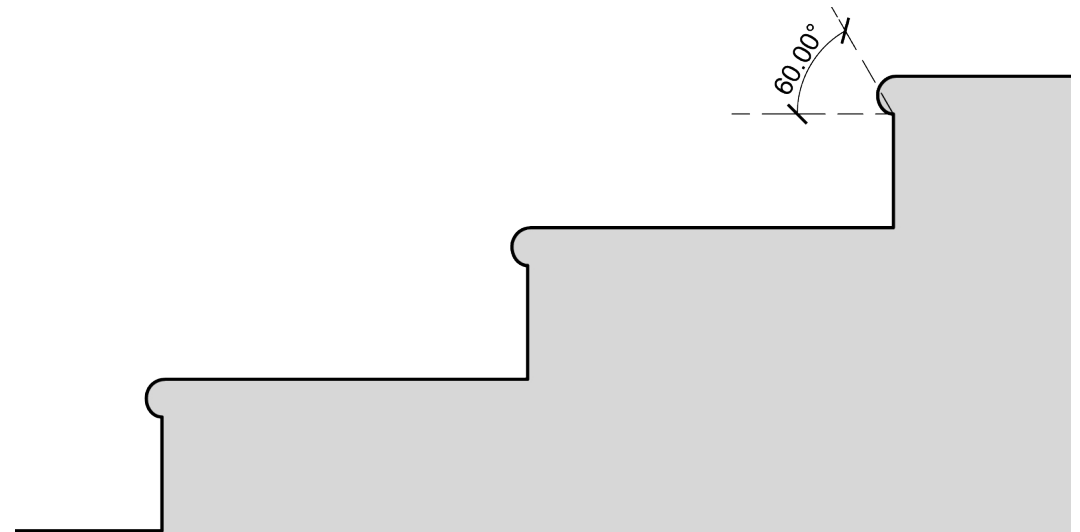
Modifying the stairs would require extensive rework of the historical fabric of the building and would incur additional costs. Given that users with limited mobility can use the elevator, we feel these costs outweigh benefits. At all stair locations, the design team respectfully seeks relief from 521 CMR 27.2 and 27.3.



Front Stair



Typical Stair Nosings at Existing Back Stair



Typical Section of Stairs

## Variance Request 5: Handrails

521 CMR Section 27.4.1: Location  
521 CMR Section 27.4.2: Height  
521 CMR Section 27.4.3: Extensions  
521 CMR Section 27.4.4: Size  
521 CMR Section 27.4.5: Shape

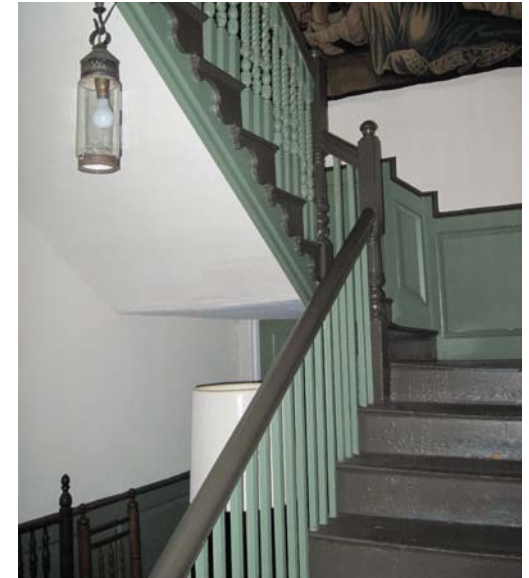
In addition to the non-compliant treads and risers mentioned in variance request 4, the rails at each historical stair are also not compliant. Hand rails do not have adequate extensions, are not mounted at the proper height, and are not installed at both sides of each stair.

At the rear (east) stair, the existing handrails are not original to the building and will be modified. At the front (west) stair, the existing wood handrails are considered historical and the Newton Historical Society seeks to retain them. As noted in Variance Requests 2 and 5, the public levels of the building will be accessible by elevator, and video and images of the second floor bedrooms will be provided in the Resource Room.

Because of their historical significance and the limited benefit of replacement, we wish to retain these handrails and respectfully seek relief from 521 CMR 27.4.



Non-compliant rail at rear stair to be replaced.

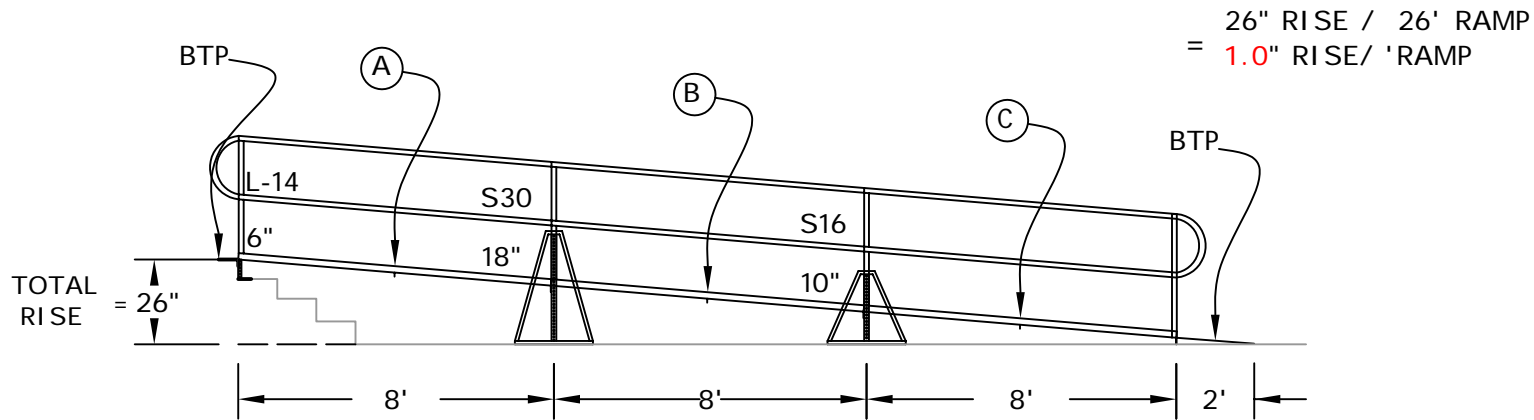


Non-compliant rail at front stair to remain.

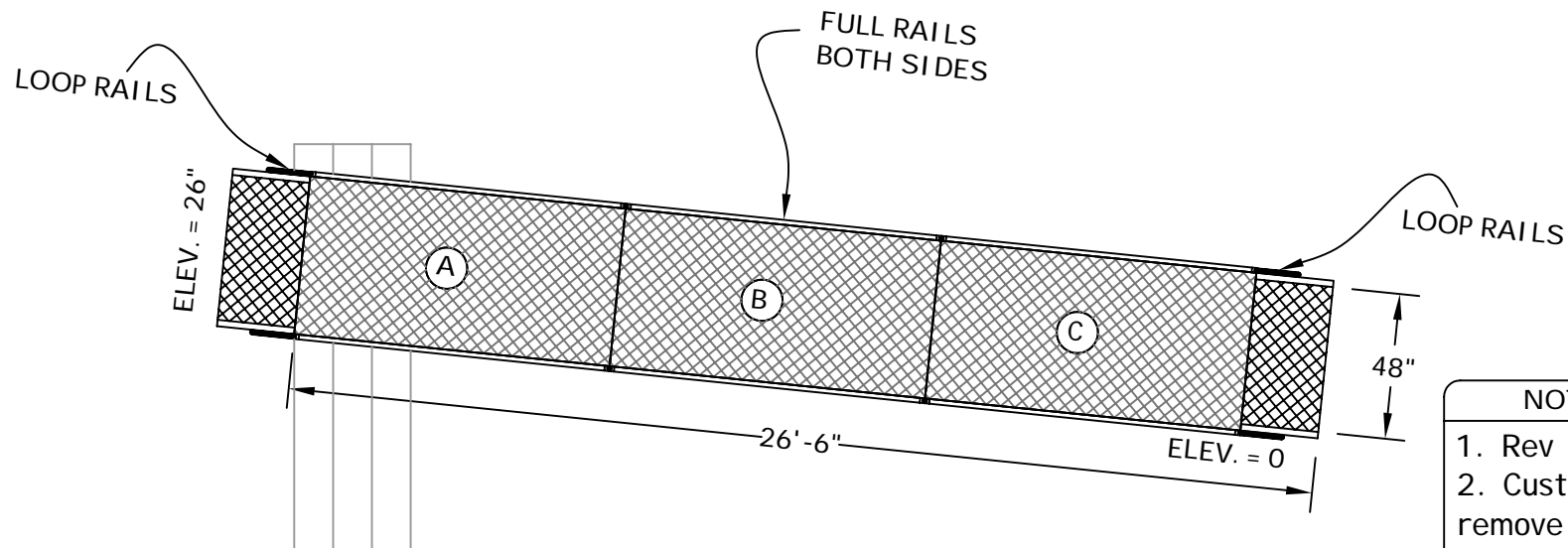


Front Stair at Second Floor. Railings to remain in this location.

## Side View:



## Top View:



### NOTES

1. Rev None
2. Customer to remove rail

Job Name:

Waban  
Library /  
Waban,  
MA

Location:

Amramp  
Boston

Requested:

Jon G.

Phone:

800-649-5215

Fax:

617-268-3701

Date:

5-18-11

Zip:

02127

Drawn By:

Conor

Checked By:

Pat

Job Number: